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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,765	11/04/1999	MICHAEL RICHARD COOPER	AT9-99-301	4335

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EXAMINER

SHERRILL, JASON L

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/434,765	COOPER ET AL. <i>g</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Jason L Sherrill	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 29 October 2002.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 15-26 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7, 10-14 and 27 is/are rejected.
- 7) Claim(s) 8 and 9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                    6) Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-14 in Paper No. 7 is acknowledged. Claims 15-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 10-14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. (U.S. Patent No. 5,764,235).

For claim 1, Hunt discloses a method in a server (102, Fig. 1A) for serving an image from the server to a client (104, Fig. 1A), comprising the steps of: receiving a client request from the client (col. 2, lines 31-52), wherein the client request specifies a set of one or more bitmap characteristics for an image transfer (col. 11, line 65 – col. 12, line 6), responsive to the client

request, generating a version of an image for the image transfer that conforms to the set of specified bitmap characteristics; and serving the version of the image back to the client (col. 2 lines 47-52; col. 5, lines 7-32).

Hunt fails to directly teach that at least one of the bitmap characteristics includes a number of bits per pixel. However, Hunt discloses a method for serving an image from a server to a client in which image control information from the client is used by the server to determine the data size and image quality, determined format being suitable for storing, displaying or printing an image associated with the control information received (col. 3, lines 3-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the control information sent by the client to the server for determining a format suitable for storing, displaying or printing an image as taught by Hunt would include specifying a bitmap characteristic such as the number of bits per pixel. Specifying the number of bits per pixel sets the color depth of the image, allowing the user to control image quality.

For claim 2, Hunt discloses a method in a server for serving an image from the server to a client wherein the set of bitmap characteristics includes a bitmap compression format (col. 1, lines 48-67; col. 8, line 46 – col. 9, line 5).

For claim 3, Hunt discloses a method in a server for serving an image from the server to a client wherein the step of generating the version of the image includes processing the image according to the specified bitmap compression format (col. 1, lines 48-67; col. 8, line 46 – col. 9, line 5).

For claim 4, Hunt discloses a method in a server for serving an image from the server to a client wherein the bitmap compression format is lossy (“progressive JPEG”, col. 8, lines 46-55).

For claim 5, Hunt fails to directly teach a method in a server for serving an image from the server to a client wherein the bitmap compression format is non-lossy. However, Hunt teaches a method in a server for serving an image from the server to a client wherein various compression techniques such as ‘JPEG’ are used (col. 1, lines 48-52). JPEG compression techniques comprise of various methods, which are lossy (progressive JPEG) and non-lossy (JPEG-LS). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the JPEG compression taught by Hunt encompasses the non-lossy JPEG-LS. This would allow for the user to control whether the compression losses any data.

For claim 6, Hunt discloses a method in a server for serving an image from the server to a client wherein the set of bitmap characteristics is specified at the client by setting a graphic control (col. 3, lines 2-5).

For claim 10, Hunt discloses a method for serving an image from a server (102, Fig. 1A) to a client (104, Fig. 1A), comprising the steps of; storing an image at the server (col. 4, line 65 – col. 5, line 2); at the client, specifying a set of one or more bitmap characteristics for an image transfer (col. 11 line 65 – col. 12, line 6), at the server, responsive to a client request that includes data identifying a specified bitmap characteristic, generating a version of the image that conforms to the specified characteristic; and serving the version of the image back to the client (col. 2, lines 47-52; col. 5 lines 7-32).

For claim 11, Hunt discloses a method for serving an image from a server to a client wherein the client is a computer having a browser for issuing the client request (Fig. 9; col. 10 lines 16-54).

For claim 12, Hunt discloses a method for serving an image from a server to a client wherein the bitmap characteristics include a bitmap compression format (col. 1, lines 48-67; col. 8, line 46 – col. 9, line 5).

For claim 13, Hunt fails to directly teach that the bitmap characteristics include a number of dots per inch on a printer associated with the client. However Hunt discloses a method for serving an image from a server to a client in which image control information from the client is used by the server to determine the data size and image quality, determined format being suitable printing an image associated with the control information received (col. 3, lines 3-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the control information sent by the client to the server for determining a format suitable printing an image as taught by Hunt would include specifying a bitmap characteristic such as the number of dots per inch. Specifying the number of dots per inch allows the user to control image quality.

For claim 14, Hunt discloses a method in a server for serving an image from the server to a client wherein the image is stored at the server in a high resolution format (col. 3, lines 62-66).

For claim 27, Hunt discloses a method in a server for serving an image from the server to a client wherein the image transfer is for a web page (Fig. 9; col. 10, lines 16-54).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. ('235) as applied to claims 1 and 6 above, and further in view of Lo et al. (U.S. Patent No. 5,911,044).

For claim 7, Hunt fails to teach a method in a server for serving an image from the server to a client wherein the graphic control is a slider having first and second positions and a plurality of intermediate positions.

Lo discloses a method and apparatus for transferring an image over a network wherein the graphic control is a slider having first and second positions and a plurality of intermediate positions (Fig. 10; col. 15, lines 41-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image transmitting system of Hunt with the image scanning system which transmits images over a network of Lo because both teach systems and apparatuses for transmitting images with client specified characteristics over a network to the client. The improvement of Hunt by Lo would allow for a user-friendly interface for adjusting image characteristics.

***Allowable Subject Matter***

5. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8 and 9 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches: a method in a server for serving an image from the server to a client wherein the graphic control is a slider having first position which selects a subset of bitmap characteristics for a fastest download and lowest quality version of the image, and

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wherein the second position selects a subset of bitmap characteristics for a slowest download and highest quality version of the image.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Northcutt et al. (U.S. Patent No. 5,442,749) discloses a network video server apparatus and method for transferring specific formatted video image data across a computer network serving multiple clients.

b. Taaffe et al. (U.S. Patent No. 5,179,651) discloses an apparatus for retrieval and processing of selected archived images for display at workstation terminals.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L Sherrill whose telephone number is 703-306-4053. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5397 for regular communications and 703-306-5397 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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December 29, 2002

  
EDWARD COLES  
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